



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

April 13, 2006

Laureto A. Farinas Esquire  
Philadelphia Gas Works  
800 W Montgomery Avenue  
Philadelphia Pa 19122

**DOCKETED**  
APR 13 2006

Re: Helen A. Rogers v. Philadelphia Gas Works  
F-01797582

**DOCUMENT  
FOLDER**

Dear Mr. Farinas:

On April 13, 2006, Helen A. Rogers filed Exceptions to the Initial Decision of Administrative Law Judge Ky Van Nguyen in the above captioned matter. Our review of the Exceptions revealed that no certificate of service or other indications of service accompanied that filing. Accordingly, we have enclosed a copy of the Exceptions for your use. This shall constitute service of the Exceptions for purposes of 52 Pa. Code §5.533.

Pursuant to 52 Pa. Code §5.535, you shall have ten (10) days from the date of service of the enclosed Exceptions to reply. The Exceptions were filed April 13, 2006. Although the Exceptions were timely filed, due to the failure of Helen A. Rogers to note service on Philadelphia Gas Works, and in order to avoid prejudice to either party, we shall deem the filing date to be the date of this letter for purposes of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), relating to the time for Commission consideration of Exceptions.

Sincerely,

James J. McNulty  
Secretary

Enclosure

nvl

cc: Helen A. Rogers  
5628 Baltimore Avenue  
Philadelphia Pa 19143-6771  
Office of Special Assistants  
Document Folder

**Philadelphia Gas Works**



800 West Montgomery Avenue, Philadelphia, PA 19122  
Laureto A. Farinas, Senior Attorney  
Legal Department  
Direct Dial 215-684-6982  
FAX 215-684-6798  
E-mail laureto.farinas@pgworks.com

April 26, 2006

James McNulty, Secretary  
Pennsylvania Public Utility Commission  
Room B-20, North Office Building  
Harrisburg, PA 17105-3265

RE: Helen A. Rogers v. PGW, Docket No. F - 01797582

DOCUMENT  
FOLDER

DOCKETED  
MAY 11 2006

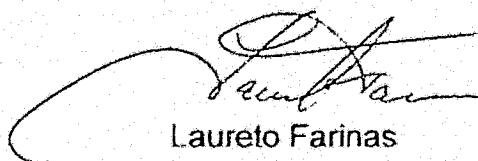
Dear Secretary McNulty:

Pursuant to 52 Pa. Code §1.15, the Philadelphia Gas Works ("PGW") respectfully requests an extension of time by two (2) days, in which to file a reply to the Complainant's exception document filed in the above captioned matter. PGW has not responded within ten (10) days prescribed by your letter dated April 13, 2006 in the above captioned matter.

In recording the "Date Served" of the exception document in PGW records, PGW miscalculated the due date of the reply. PGW originally thought that the answer was due on April 27, 2006, when it was actually due April 24, 2006. Therefore, PGW requests the extension of two days to file its reply to the exception document. We apologize for our error and the lateness of this answer.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,

  
Laureto Farinas

RECEIVED  
APR 26 2006  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

cc: Service List

80

CERTIFICATE OF SERVICE

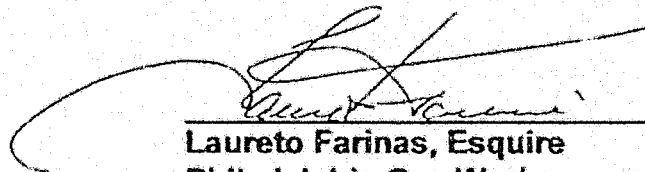
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

*Helen A. Rogers*  
5628 Baltimore Avenue  
Philadelphia, PA 19143 - 6771

Dated: April 26, 2006



Laureto Farinas, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6982

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APR 26 2006  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Philadelphia Gas Works**



800 West Montgomery Avenue, Philadelphia, PA 19122  
Laureto A. Farinas, Senior Attorney  
Legal Department  
Direct Dial. 215-684-6982  
FAX: 215-684-6798  
E-mail: laureto.farinas@pgworks.com

**DOCUMENT  
FOLDER**

April 26, 2006

*James McNulty, Secretary*  
**Pennsylvania Public Utility Commission**  
Room B-20, North Office Building  
Harrisburg, PA 17105-3265

**ORIGINAL**

RE: Helen A. Rogers v. PGW, Docket No. F – 01797582

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.535, and your letter dated April 13, 2006, in the above captioned matter, the Philadelphia Gas Works ("PGW") hereby files the original and nine (9) copies of its Reply to the Exceptions of the Complainant.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Laureto Farinas", is written over a large, stylized flourish that extends to the left and curves upwards.

Laureto Farinas

Enclosures

cc: Service List  
Anne Marie Cromley  
Linda Pereira

**RECEIVED**

APR 26 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

87

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

APR 9 2006

PA PUBLIC UTILITY COMMISSION  
OFFICE OF THE SECRETARY

Helen A. Rogers

v.

Philadelphia Gas Works

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:  
:  
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Docket No. F – 01797582

REPLY OF PHILADELPHIA GAS WORKS  
TO COMPLAINANT'S EXCEPTION

DOCUMENT  
FOLDER

Pursuant to Pa. Code §5.535, and the Secretary's letter dated April 13, in the above captioned matter, the Philadelphia Gas Works, ("PGW") hereby files its reply to the exception document filed by the Complainant, Helen A. Rogers

**Introduction**

In this matter, the Complainant challenges the accuracy of the billing of his account. The Complainant further suspects that someone else had stolen her gas.

An Initial Hearing was held on February 1, 2006. An Initial Decision was issued on March 23, 2006, ("Initial Decision") dismissing the complaint. The Initial Decision found, inter alia., that the Complainant had not carried her burden proof to establish that her bills was incorrect and that someone was stealing her gas.<sup>1</sup>

The Complainant restates the many arguments that she raised at the Initial Hearing including that she keeps her thermostat between 63 and 65 degrees and that another family several doors down the block is stealing her gas and putting "witchcraft" on her home. The Complainant also includes information from the settlement of a previous complaint. The Complainant takes exception, apparently to the general outcome of the Initial Decision in this matter.

**II. Reply to Exception**

The Complainant has not presented any argument that he met his burden of proof under Se-Ling Hosiery v. Margulies.<sup>2</sup> The Complainant failed to show that PGW's calculation of gas bills was incorrect or her bill was too high due to the theft of gas from her meter by her neighbor. PGW Exhibit – 1 clearly shows that the Complainant's bills

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<sup>1</sup> Initial Decision, p. 6

<sup>2</sup> Se-Ling Hosiery v. Margulies, 70 A.2d 854 (1950)

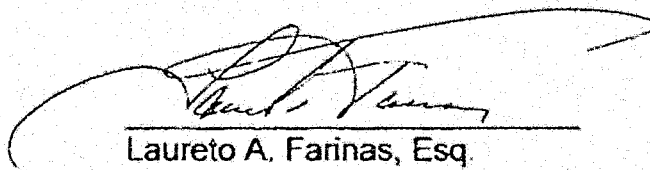
are based upon actual meter readings.<sup>3</sup> Further, the record suggests that the Complainant's gas usage is consistent with previous periods compared.<sup>4</sup> In her testimony, the Complainant failed to establish that her gas was being stolen by her neighbors. Substantial evidence is more than a mere trace of evidence or a suspicion of the existence of a fact sought to be established.<sup>5</sup> The Complainant's suspicions, however, heartfelt and her mere bald assertions of theft and persecution do not support her allegation that her bills are too high and that her gas is being stolen. "Mere bald assertions, personal opinions or perceptions do not constitute evidence."<sup>6</sup> Clearly, the Complainant had the burden of proof in this matter and has failed to meet it. This exception document should be denied.

## CONCLUSION

For the foregoing reasons, PGW respectfully requests that this Commission deny the Complainant's Exceptions and affirm the Initial Decision in this matter.

Respectfully submitted,

April 26, 2006



Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

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<sup>3</sup> PGW Ex. - 1

<sup>4</sup> PGW Ex. - 3

<sup>5</sup> Norfolk & Western Ry. Co. v. Pa. P.U.C., 413 A.2d 1037 (1980).

<sup>6</sup> Pennsylvania Bureau of Corrections v. City of Pittsburgh, 532 A.2d 12 (1987)

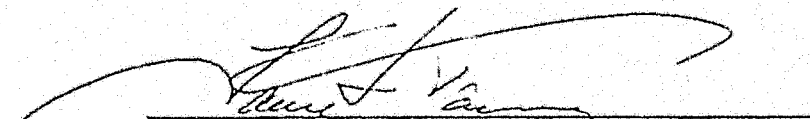
CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 Pa. Code §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

**Service List**

*Helen A. Rogers*  
5628 Baltimore Avenue  
Philadelphia, PA 19143 – 6771

April 26, 2006

  
\_\_\_\_\_  
Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

REC'D

APR 27 2006

PA PUBLIC UTILITY CO  
SECRETARY'S OFFICE

DATE: May 11, 2006

SUBJECT: F-01797582

TO: Cheryl W. Davis, Director  
Office of Special Assistants

FROM: James J. McNulty  
Secretary  
nvl

DOCUMENT  
FOLDER

HELEN A. ROGERS  
V.  
PHILADELPHIA GAS WORKS

Copies of the Initial Decision have been served upon all parties of interest.

Exceptions have been filed by:

HELEN A. ROGERS

Reply Exceptions have been received from:

RESPONDENT

**DOCKETED**  
MAY 12 2006

cc: Susan Hoffner